

REMARKS

Claims 1-13 are pending. No new matter has been added by way of the present amendment. For instance, claims 6 and 8 have been amended to remove improper multiple dependencies. Newly added claims 11-13 are supported by originally filed claims 6, 8 and 9. Accordingly, no new matter has been added.

In the outstanding Office Action the Examiner has asserted that the present application contains groups of invention that are not so linked as to form a single general inventive concept under PCT Rule 13.1. Thus, the Examiner has required that Applicants elect one of the following two groups:

Group I, claims 1-5 and 7, drawn to DNA and encoding polypeptide; and

Group II, claim 10, drawn to an antisense oligonucleotide.

Applicants respectfully traverse. The invention listed above as Groups I and II relates to a single general inventive concept under PCT Rule 13.1, since under PCT Rule 13.2 they share the same corresponding special technical feature. In particular, all of the presently pending claims share the special technical feature of the amino acid sequence represented by SEQ ID NO. 1. The claims thus satisfy unity of invention and define a contribution of the prior art. Accordingly, the Examiner should search and consider all claims in their entirety.

However, in order to be fully responsive to the outstanding Unity of Invention rejection Applicants hereby elect Group I, directed to claim 1-5 and 7. This is an election with traverse as noted above.


Favorable action on the merits is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42, 874 at the offices of Birch, Stewart, Kolasch and Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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